

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**BERNALDO PARZYNSKI LOFTIN**

**PLAINTIFF**

**v.**

**1:16cv334-LG-RHW**

**JACQUELINE BANKS, et al.**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This cause comes before the Court on the [19] Report and Recommendation of United States Magistrate Judge Robert H. Walker. On September 12, 2016, Plaintiff Barnaldo Parzynski Loftin filed a Complaint pursuant to 42 U.S.C. § 1983 against multiple defendants alleging violations of his Eighth Amendment rights while an inmate at the South Mississippi Correctional Institution. On November 22, 2016, Defendant Dr. Ronald Woodall filed a [17] Motion to Dismiss based on Plaintiff's purported failure to exhaust his administrative remedies. Plaintiff never responded to the Motion, and the time for doing so has long expired.

On March 17, 2017, Magistrate Judge Walker recommended that this Court grant the Motion to Dismiss because Plaintiff admittedly failed to exhaust his administrative remedies. (*See* Rep. & Rec. 4, ECF No. 19). Judge Walker further stated: "Because Plaintiff's failure to exhaust requires dismissal of all his claims, the undersigned recommends that the case be dismissed in its entirety as to all Defendants." (*Id.*).

Plaintiff has not timely objected to any aspect of the Magistrate Judge's Report and Recommendation. Where no party has objected to the Magistrate

Judge's Report and Recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *See, e.g., United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court is of the opinion that Magistrate Judge Walker's Report and Recommendation is neither clearly erroneous nor contrary to law. Accordingly, the Court finds that the [19] Report and Recommendation should be adopted as the opinion of this Court.

**IT IS THEREFORE ORDERED AND ADJUDGED** that [17] Motion to Dismiss is **GRANTED**.

**IT IS FURTHER ORDERED AND ADJUDGED** that all of Plaintiff's claims are **DISMISSED**. A separate Final Judgment will be entered.

**SO ORDERED AND ADJUDGED** this the 27th day of April, 2017.

*s/ Louis Guirola, Jr.*

Louis Guirola, Jr.  
Chief United States District Judge